

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES DZIEDZIC and KIMBERLY
DZIEDZIC, husband and wife,

Plaintiffs,

v.

UNITED RENTALS, INC., CNH
INDUSTRIAL AMERICA, LLC, d/b/a
CASE CONSTRUCTION, TAG
MANUFACTURING, INC., and
JOHN DOES 1-20,

Defendants.

No. 4:19-CV-02030

(Chief Judge Brann)

ORDER

AND NOW, this 22nd day of March 2022, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. John Does 1-20 are **DISMISSED**.
2. Counts X, XI, and XII of the Amended Complaint (Doc. 22) are **DISMISSED**.
3. Defendants' motions for summary judgment (Docs. 34, 37, 40) are **DENIED IN PART AND GRANTED IN PART**, as follows:
 - a. **DENIED** as to Counts III, IX, and XIII of the Amended Complaint (Doc. 22).
 - b. **DENIED** as to the design-defect claims in Counts I, IV, and VII of the Amended Complaint (Doc. 22).

- c. **DENIED** as to the negligent-design claims in Counts II, V, and VIII of the Amended Complaint (Doc. 22).
 - d. **GRANTED** as to Count VI of the Amended Complaint (Doc. 22).
 - e. **GRANTED** as to any manufacturing-defect claim in the Amended Complaint (Doc. 22).
 - f. **GRANTED** as to the warning-defect claims in Counts I, IV, and VII of the Amended Complaint (Doc. 22).
 - g. **GRANTED** as to the negligent failure-to-warn claims in Counts II, V, and VIII of the Amended Complaint (Doc. 22).
4. A telephonic status conference will be scheduled by separate Order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge